

## EDITORIALS.

A CORRESPONDENT writing from Southern Utah on the 27th ult., says "The Court now in session in Pioche has among the jurors two polygamists. The Judge of the Court, a sensible man, gives naturalization papers, and no questions asked on religious matters. He has already admitted, as citizens of the United States, several men having more than one wife.

There may be some disadvantages in living in the State of Nevada,—for it has a big debt, and its citizens are heavily taxed; but they have in that State a sensible and impartial judiciary, who shows a disposition to administer the law according to Constitutional requirements so far as to admit aliens to United States citizenship without asking questions of a religious nature, or denying this right on religious grounds, as has been repeatedly done of late in Utah. If a U. S. judge in Nevada will admit "Mormons" to citizenship in that state without asking questions about religion; and will have men with more than one wife on their juries, it is safe to presume that there is nothing unconstitutional or unlawful in so doing; for judges in the State of Nevada are under the same obligations as they are in the Territory of Utah. It is true that Nevada is not inhabited, chiefly, by Latter-day Saints, as Utah is; and neither is that State pestered with a vile clique who have constituted themselves into an anti-Mormon "ring," as is the case here, and hence there is nothing in these respects to induce a judge to forswear himself by pandering to party prejudice, as is unfortunately seen in Utah.

But much as such a condition of affairs is to be deplored in Utah Territory, we indulge the hope that light is beginning to dawn on the judicial mind even here. Straws, it is said, will show the quarter whence the wind blows, and a small matter which transpired during last week, we think is a slight indication of an improving state of affairs, in a judicial point of view, even in Utah.

Our readers may remember reading in the News some days since of the committal for trial in Justice Clinton's court, of a "Major" Graham, on a charge of "seduction, debauchery," &c. The lawyer who defended the "Major" detected some error or informality in that worthy's mittimus, and, doubtless eager to obtain the liberation of such an estimable member of society, and to turn him loose to continue his course of debauchery, a writ of *habeas corpus* was obtained and Graham brought before Judge McKean. Many transactions in which precisely similar steps have been taken, may be found on record in the judicial annals of this Territory; and in almost every preceding instance the result has been the liberation of the criminal, and this, there can be no doubt, was the result expected in the case of "Major" Graham. But strange to relate, after investigating the case, and admitting the informality or incorrectness of the mittimus, his Honor Judge McKean remanded the prisoner back to the lower court, for a rehearing of the case or for the correction of the writ, at the discretion of that court. Now, such an instance of respect to a Territorial court by a U. S. Judge is, we believe, without precedent in this Territory; and while the action reflects credit upon the judgment of the Chief Justice, we regard it as symptoms of returning consciousness on the part of the U. S. judiciary in Utah, and as the best evidence of honesty of intention and purpose that Judge McKean has yet given during his official career in this Territory.

The change of sentiment which the above action indicates on the part of our worthy Chief Justice is so apparent that it is sure to strike the minds of many, and will be ascribed by different persons to very different causes. Some will probably be of the opinion that the action of the honorable Judge at Pioche has had some effect in modifying the views of Judge McKean. Charity may impel others to the opinion that the Judge on arriving here, being inexperienced in Territorial matters, and a tyro in the exercise of high judicial functions, was led to the commission of acts of indiscretion of which he begins to repent, having received additional light. This is not an unreasonable view of the case. Utah is a wonderful place for light; just the place for such men as those composing the U. S. judiciary to learn, that is, if it be possible for them to learn. Many U. S. officials who have preceded those now here, have sought to carry things with a high hand, but before they have got through with Utah, they

have been most thoroughly and sorrowfully enlightened, and made to understand their insignificance and foolishness. The company above mentioned may begin to have a realizing sense that their course has not been compatible with the dictates of honor, common sense, and high legal attainments and qualifications such as are necessary in prominent and important positions like theirs.

There is still another view, which some censorious, ill-natured people, will be likely to entertain regarding the change of sentiment which this action on the part of Judge McKean seems to indicate. It is now very generally understood that the action of the judicial triumvirate last year, in ruling out of existence Territorial Courts and officers, was promptly vetoed at Washington when the bills were presented for payment. This threw the three gentlemen who have tried their best to serve the "ring" by depriving the "Mormons" of every civil and religious right, into a most serious predicament; for besides stopping the supplies so indispensable to the continuation of the labors of the patriotic trio, it enabled them to see that their high-handed folly, outrage and crime were ignored in the quarter, in which above all others they expected and hoped for approval and support. Light is a blessed thing, and Utah, as we have said before, is a wonderful place for its dissemination.

But leaving speculation as to the causes which may have influenced his Honor Judge McKean to take the course which he did take in the Graham case, we congratulate him on the dawn of returning reason and good sense which it indicates, and are of the opinion that, after all, the Chief Justice and his Associates may be induced to take a consistent and constitutional course in discharging the duties and exercising the functions of the important offices they hold. Such a method of procedure on their part will be far more honorable than lending themselves to be the tools of any political or anti-Mormon "ring."

THE San Francisco *Figaro*, in a short article on "Press, Pulpit and Stage," makes the following very sensible remarks:

"What the world needs to accelerate its march to a higher and more harmonious civilization, what society needs to impart a purer tone, and a harmonious culture, is more sweetness and light. The press needs more sweetness to moderate its acerbity, and assimilate its tone in discussion and controversy to that of refined gentlemen conversing on subjects in regard to which they differ. The pulpit needs more light to enable it to take broader views of life and human nature, and to realize the great fact that God is at work in the world as well as in the Church, and by the manifold agencies of nature no less than by ecclesiastical machinery. The stage needs both, to elevate it to a higher standard, and to purge it of abuses and excrescences that have long impaired its usefulness and prevented it and those connected with it from obtaining just recognition as a valuable auxiliaries of a true and symmetrical civilization. The wide gulf of mutual antagonism that has for generations yawned between the Church and the Theatre is in our day being rapidly bridged over by the mediative activity of an enlightened and catholic-spirited Press. As this process goes on, the Pulpit will become less rigid in its austerity and the Stage more careful of giving offense to the feelings of the religious. Already the more advanced and enlightened of the clergy acknowledge the refining influence of the Stage, while the better class of theatrical representations contain nothing to offend a healthy conscience. In the same issue of the great daily journals we find accurate reports of sermons and criticisms of dramatic performances. In adjoining columns full justice is done to the preacher and the actor. The gulf is almost bridged, and the Press still continues its noble work of removing the stupid antagonism and obliterating the narrow prejudices that have for more than three hundred years made the Pulpit and the Stage belligerent powers.

## ESTRAY!

CAME to my place, in January last, a Brown MARE, star in forehead, branded on left shoulder J. S. The owner is requested to prove property, pay charges and take her away.

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